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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,733	02/20/2004	Peter Gold	HAR-004	6628
7590 Kenneth J. LuKacher South Winton Court Suite 204 3136 Winton Road South Rochester, NY 14623			EXAMINER NGUYEN, PHUOC H	
			ART UNIT 2143	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/783,733

Applicant(s)

GOLD ET AL.

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/14/04, 06/09/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract is written more than 150 words in length. Correction is required. See MPEP § 608.01(b).

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being obvious over Bayer et al. (W.O. 02/103474 A2) in view of Brebner (U.S. Patent Application No. 2002/0184364 A1).

Re claim 1, Bayer et al. disclose in Figure 1-2 a system (e.g. system seen in Figure 1) for measuring reactions (e.g. abstract) to packaging, advertising, and product configuration (e.g. abstract lines 6-9 and 21-25) at computer systems over a network (e.g. label network in Figure 1), system comprising: at least one first computer system connected to network (e.g. client 14 connect to network in Figure 1); at least one second computer system capable of connecting to first computer system through network (e.g. server 12 communicates with clients 14 in Figure 1 through network cloud) in which first computer system has a browser for viewing pages from second computer system (e.g. general architecture of protocol is seen in Figure 2 and an example of webpage generates from server to client is seen in any of Figures 4-9); second computer sending to first computer a set of questions (e.g. as part of survey as seen in survey questions 16 in Figure 2) to be displayed by the browser on one or more pages having one or more images downloaded from second computer system for stored by the browser in memory of first computer system (e.g. page 9 lines 10-19 for enrich webpage) and second computer system receives answers from questions from first computer system (e.g. provide survey answer 17 from client to the server as seen in Figure 2); and second computer instructs the browser of first

computer to display at least one of images previously displayed in pixel areas from the memory of the first computer system for a short interval of time (e.g. component 20 in Figure 2 for selecting features/subfeatures of a configuration in Figure 2), and to display at least one question regarding image displayed for short interval of time (e.g. question 23 issue from server to the client in Figure 2), and second computer system receives the answer from question from first computer system (e.g. receive answer 24 from client to the server in Figure 2).

Bayer et al. fail to disclose the images are displayed into pixel areas on display of the respondent's computer system, which avoids user detection of the downloaded images.

However, Brebner discloses in Figures 3-4 the feature of the images are displayed into pixel areas on display of the respondent's computer system, which avoids user detection of the downloaded images (e.g. abstract lines 5-8, paragraphs [0023-0024] and [0040-0041] wherein a plurality of objects as images are downloaded from server to displayed on browser with each image corresponds to a single pixel, the human might not visually see/detect the single pixel images).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add the images are displayed into pixel areas on display of the respondent's computer system, which avoids user detection of the downloaded images as seen in Brebner's invention into Bayer et al.'s invention because it would enable to increase access speed and reduce download time (e.g. paragraph [0002]).

Re claim 2, Bayer et al. further disclose in Figure 1-2 image displayed for short interval of time has a plurality of elements and question regarding displayed image enables selection of one or more of elements recalled from the displayed image (e.g. Figures 4-9).

Re claim 3, Bayer et al. further disclose in Figure 1-2 image displayed for short interval of time has a plurality of elements and question regarding displayed image enables selection of the location of a target element in the displayed image (e.g. Figures 4-9).

Re claim 4, Bayer et al. further disclose in Figure 1-2 image displayed for short interval of time represents product packages, an advertisement, or a product (e.g. abstract lines 21-25).

Re claims 5-7, Bayer et al. fail to disclose in Figure 1-2 pixel area is a 1 by 1 pixel area and displayed as part of text providing set of questions, further the short interval of time is less than one second. However, Brebner discloses in Figures 3-4 pixel area is a 1 by 1 pixel area and displayed as part of text providing set of questions (e.g. paragraph [0041] as single pixel displayed images), further the short interval of time is less than one second (e.g. paragraph [0041] as a predetermined time or specified latencies/expiry periods as seen in the abstract lines 5-9).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add pixel area is a 1 by 1 pixel area and displayed as part of text providing set of questions, further the short interval of time is less than one second as seen in Brebner's invention into Bayer et al.'s invention because it would enable to increase access speed/reduce download time (e.g. paragraph [0002]).

Re claim 8, it is a method claim of claim 1. Thus, claim 8 is also rejected under the same rationale as cited in the rejection of rejected claim 1.

Re claim 9, it is a method claim of claim 2. Thus, claim 9 is also rejected under the same rationale as cited in the rejection of rejected claim 2.

Re claim 10, it is a method claim of claim 3. Thus, claim 10 is also rejected under the same rationale as cited in the rejection of rejected claim 3.

Re claim 11, it is a method claim of claim 4. Thus, claim 11 is also rejected under the same rationale as cited in the rejection of rejected claim 4.

Re claim 12, it is a method claim of claim 5. Thus, claim 12 is also rejected under the same rationale as cited in the rejection of rejected claim 5.

Re claim 13, it is a method claim of claim 6. Thus, claim 13 is also rejected under the same rationale as cited in the rejection of rejected claim 6.

Re claim 14, it is a method claim of claim 7. Thus, claim 14 is also rejected under the same rationale as cited in the rejection of rejected claim 7.

Re claim 15, Bayer et al. further disclose in Figure 1-2 one of the images represents a first image, and method further comprises the steps of: sending from the server computer system to the respondent computer system instructions directing the client computer system to display a second one of images with other survey directions, and client computer system displays other survey directions second one of images stored at downloading step in memory of the client computer system (e.g. sending survey question 23 from server to client in Figure 2); and displaying at the respondent computer system in accordance with instructions other survey directions and second one of images stored at downloading step from memory prior to displaying first image for specified interval of time (e.g. by configuration of 20 in Figure 2).

Re claim 16, Bayer et al. further disclose in Figure 1-2 the step of selecting one of images to be displayed for specified interval of time by server computer system based upon one or more

of returned answers to survey questions prior to carrying out step of sending instructions (e.g. corresponding data received and compiled by component 22 in Figure 2).

Re claim 17, Bayer et al. further disclose in Figure 1-2 the step of repeating step of sending instructions, step of displaying in accordance with instructions, and step of returning one or more selected responses with different ones of images downloaded into memory, survey directions, and question regarding the displayed image (e.g. as is for another client using the same scheme as seen in Figure 2).

Re claim 18, it generally has the similar limitations cited in claim 1 or alternatively, claim 1 contains mainly all the limitations cited in claim 18. Thus, claim 18 is rejected under the same rationale as cited in the rejection of rejected claim 1.

Re claim 19, Bayer et al. further disclose in Figure 1-2 means for sending instructions to client computer system to display from cache an image from one of image files (e.g. abstract and page 9 lines 11-18).

Re claim 20, Bayer et al. further disclose in Figure 1-2 image from cache is displayed for an interval of time (e.g. page 9 lines 11-18).

Re claim 21, Bayer et al. further disclose in Figure 1-2 image from cache is displayed for a short interval of time (e.g. as long as the survey is permitted).

Re claim 22, it has similar limitations cited in claim 7. Thus, claim 22 is also rejected under the same rationale as cited in the rejection of rejected claim 7.

Re claim 23, it has similar limitations cited in claim 4. Thus, claim 23 is also rejected under the same rationale as cited in the rejection of rejected claim 4.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rangan et al. U.S. Patent No. 6,154,771

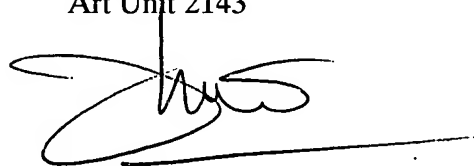
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.

The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuoc H Nguyen
Examiner
Art Unit 2143



December 28, 2006